

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday, July 12, 2010**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:10 pm.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Barbara B. Austin, Clerk of County Council. Committee Member Timothy J. Callanan, Council District No. 2 and Committee Member Caldwell Pinckney, Jr., Council District No. 7 were excused.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley called the meeting to order. Mr. Chip Boling provided the Invocation and Committee Member Fish led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley: "Next on the agenda is the approval of minutes from the June 14, 2010 meeting."

Committee Member S. Davis: "Move for approval"

Committee Member C. Davis: "Second"

Chairman Farley: "I have a motion and I have a second. Is there any corrections? No Response) All in favor? (Ayes) Opposed? (No Response) Minutes stand approved as presented."

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration prior to **First Reading** of the following:

1. Request by **Danny Baston**, 230 Royle Road, Ladson, **TMS #242-00-02-055**, (10.99 +/- acres), **from GC, General Commercial District to HI, Heavy Industrial District**. Council District No. 4.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Eric Greenway, Zoning Administrator: "This particular request is located out on Royle Road and the property is currently being used as a salvage yard. General Commercial does not allow open storage salvage operations and they are operating currently as a non-conforming use. As you are aware our Zoning Code does not allow the expansion of non-conforming uses in any manner that increases the degree of non-conformity. They are desiring to build a parts building on the property to place parts and supplies in. We were not able to issue that permit underneath that code, so they are requesting to rezone to Heavy Industrial to bring the property into compliance in order to do that expansion. We recommended approval and so did the Planning Commission."

Committee Member C. Davis: "Mr. Chairman?"

Chairman Farley: "Yes madam"

Committee Member C. Davis: "Eric, do you have a visual of this, because I was trying to read in my packet.....My question is, is there any other heavy industrial?"

Mr. Greenway: "There is no other heavy industrial in that area, but there are several properties in the area that are light industrial zoning. If you stand in the road facing this particular piece of property, there are three or four properties to the right of this property that are zoned light industrial. Most of those facilities, the previous uses on those properties have been heavy industrial. The property to the left of this property, if you are facing the property, standing in the road, is also a general commercial outdoor storage salvage operation. We already have heavy industrial zoning uses established in that area, but we do have heavy industrial zonings established in that area. This is a very difficult situation from the zoning code. Some zoning codes allow you to do a small expansion underneath non-conforming grandfathered situations, but our zoning code does not permit any type of expansion underneath that code. Had we had that in our code, then it would not have been necessary for them to facilitate the rezoning to heavy industrial. They could have done this expansion without rezoning the property."

Committee Member C. Davis: "Right, that is my concern because once it becomes heavy industrial, that's what it is and I'm just not sure that is suited."

Mr. Greenway: "It is a legitimate concern. From a staff perspective, the reason we chose to support the request to heavy industrial is that from our standpoint, the most intensive...one of the most intensive things that you can do in heavy industrial is outdoor salvage operations. If it gets rezoned to heavy industrial and the outdoor salvage yard or outdoor storage goes away, then we think there would be a lesser intense use that would move into the property or someone that wants to operate open storage or salvage business would move onto the property. Which they could do now as long as they did so within a year of the existing use closing down."

Committee Member S. Davis: "Eric, you could extract sand from here too if it met the qualifications."

Mr. Greenway: "You wouldn't be able to do that under the current zoning classification."

Committee Member S. Davis: "I talking about once it becomes heavy industrial, you could."

Mr. Greenway: "Yes, we thought about that from a staff perspective. That was also a concern that was raised by the Planning Commission, but in order to do mining operations in the heavy industrial zoning classification, you have to have 20 acres. This property is only 10 or 11 acres, so they would not be able to do that."

Committee Member S. Davis: "Ok, thank you"

Chairman Farley: "What this gentleman is doing, he wants to put up a building and you can't issue him a permit."

Mr. Greenway: "The way I understand the situation, I don't know that much about how these facilities operate, but it seems to be that they're moving more toward an indoor type recycling operation where they bring the vehicles or whatever onto the property. They take off what they can resell and store it and inventory it and put it in a building and typically the rest of the scrap metal and stuff, right now I think is going off to recyclers offsite. Very little of the new material coming onto the site gets actually stored outside because of the transition that these facilities have been making over the last few years. It's entirely possible in the future we could have a salvage yard operating here and you not have any long term storage of vehicles onsite."

Committee Member S. Davis: "What is the surrounding neighbor's concerns or opposition?"

Mr. Greenway: "There were none."

Committee Member C. Davis: "Where is the nearest residential to that?"

Mr. Greenway: "It is right across the street. They are back off the road, Royle Road. We put the sign up on Royle Road in front of the property. Those folks that live there did not come out to the Planning Commission Public Input meeting. So I would take it they have no concerns about the salvage operation there."

Committee Member Fish: "Mr. Chairman?"

Chairman Farley: "Yes sir, Mr. Fish"

Committee Member Fish: "By them going to change to heavy industrial, what are the buffer requirements going to be for them? How are you going to handle buffer?"

Mr. Greenway: "They do have the room for the buffers and we will require this site to be upgraded to put in additional vegetation along Royle Road and the adjacent properties where buffers are required. No buffer will be required on the left side of the property because that is a similar use. There will be a little bit of a buffer required on the right and then there will be like a 20 foot buffer required along Royle Road. There is some existing vegetation out there now, but it will have to be beefed up a little bit."

Committee Member S. Davis: "Is noise a consideration?"

Mr. Greenway: "Noise is always a consideration but noise would be a consideration with the current operation and they would have to of course comply with our noise ordinance, whether it is general commercial or heavy industrial and we have had no noise issues with this facility to my knowledge or at least since I have been here."

Committee Member C. Davis: "Mr. Chairman?"

Chairman Farley: "Yes madam"

Committee Member C. Davis: "Eric, you don't consider this spot zoning?"

Mr. Greenway: "That is a very good question. Same question that the Planning Commission asked me. I consider spot zoning to be anything and I think the State looks at spot zoning, the Courts system looks at spot zoning as being anything that is so contrary to the general character of the surrounding area that it just creates a nuisance for the neighborhood. I don't think that we have got particular situation right now because you have got two salvage yards operating here currently and you have a lot of vacant industrial building adjacent to this property, so I do not think this would meet the test of spot zoning the way the Courts typically look at it."

Committee Member C. Davis: "I would like to make a motion to hold this for 30 days. I have not been on site."

Chairman Farley: "Would you like to talk to one of the owners?"

Committee Member C. Davis: "I would"

Chairman Farley: "Mr. Baston is available for questions."

Committee Member C. Davis: "Not tonight, I would like to actually visit the site and see as far as the distance to the residents around."

Chairman Farley: "Could we put it up and go ahead and pass it through on the First? We've got to do three."

Committee Member C. Davis: "Ok, we could do that. Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any more discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** prior to **First Reading**, the **Request by Danny Baston**. The motion passed by unanimous voice vote of the Committee.

2. Request by John and Lucretta Winningham, 1613 & 1621 South Live Oak Drive, Moncks Corner, TMS #161-14-00-024, (0.45 acres), and 161-14-00-025, (0.35 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "Yes sir, this is a unique application. Seems like tonight is the night for unique zoning applications. If you will look at your picture on the screen there, you'll see that this particular piece of property is currently zoning residential. If you'll look just above the property, up toward the top of your screen, you'll see a strip of non-colored property coming through there. That is the new alignment for Black Tom Road through the Hwy. 17 widening project to come in and intersect with Old Gailliard Road. I would say Gilliard, but I think the people here say Gailliard Road, anyway, the property owners are requesting to rezone this property to commercial because they feel like that will create more of a potential use for this property long term than the residential. The property currently has a house on it. We supported that request. We feel that potential for this to be a commercial node is greater than for someone to redevelop this property once the Hwy. 17 widening occurs and this realignment occurs, than residential so we support the request. The Planning Commission also supported the request. I will tell you this, at the Planning Commission Input Meeting, the neighbor behind this particular piece of property was there to ask questions about what was proposed to go on the property. Of course, there is no proposed use of the property. If it gets rezoned to General Commercial, then anything that is allowed in the General Commercial zoning classification could be established on the property."

Committee Member Schurlknight: "Mr. Chairman?"

Chairman Farley: "Yes sir, Mr. Schurlknight"

Committee Member Schurlknight: "Eric, right on the corner of Black Tom and 17, I think it's a air conditioning/heating building sitting there. What is that zoned right on the corner, do you know, or where they grandfathered in?"

Mr. Greenway: "They are zoned R-2, which is a residential classification and they are grandfathered in as well."

Committee Member Schurlknight: "Ok. The track that we are talking about...is it this .45 acres track that we are talking about?"

Mr. Greenway: "Yes sir. It's the two tracts on your screen that is highlighted in red. It's right at an acre that is being rezoned."

Committee Member Schurlknight: "And it is right there on 17?"

Mr. Greenway: "Yes sir. There will be a little strip of land between that property and the Black Tom Road alignment which is going to be unbuildable and we think that there is a strong potential that that little strip would be absorbed into this property to provide the necessary buffers that the Arterial Road Overlay would require these folks to comply with once they develop the property."

Committee Member Schurlknight: "Good. Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any more discussion? (No Response) All in favor, please say Aye (Ayes) Opposes? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **First Reading**, the **Request by John and Lucretta Winningham**. The motion passed by unanimous voice vote of the Committee.

3. Request by Johnnie Capers for Leonard Boyd and Jack Pryor, 1116 Old Gilliard Rd, Ridgeville, TMS #175-00-01-064, (0.227 acres), from F-1, Agricultural District to RNC, Rural & Neighborhood Commercial District. Council District No. 7.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "This particular piece of property is an existing non-residential building that sits across a property line that was built some time ago. In order to....the building is being redeveloped into a ministry for the community and in order for the property line issue with the building to be resolved, they are going to have to obtain additional property to combine with the property that the building sets on. That adjacent property is zoned Flex-1. The zoning ordinance prohibits dual zoned properties, so in order for us to allow that combination to occur, we need that particular piece of property to be rezoned or they need that particular piece of property to be rezoned to RNC. Staff supports that request and so does the Planning Commission."

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Is there any more discussion? All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **First Reading**, the **Request by Johnnie Capers for Leonard Boyd and Jack Pryor**. The motion passed by unanimous voice vote of the Committee.

4. Request by Earthsource Engineering for Shirley Huggins and John Avinger, located on Clements Ferry Road across the street from Marina Drive, Charleston, **TMS #271-00-02-174 and 029**, (58.10 acres), **from GC, General Commercial District and R-4, Multi-Family District, Small Scale, to PDMU, Planned Development Mixed Use District**. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "This particular piece of property is located on Clements Ferry Road. The property as you stated is currently zoned General Commercial and R-4. Basically, the uses underneath this PDMU are going to pretty much stay the same as those particular uses, but the property owner has hired Earthsource Engineering, who by the way a representative from Earthsource is here this evening if you would like to direct some questions to them. They've hired them to do a development plan for this property that will basically create a mixed use project that will have commercial up at the front, transition into some office and high density residential and then totally into high density residential, either single family or town homes or condos, as you leave Clements Ferry Road. This particular plan complies with both our requirements for this area and also with the City of Charleston's requirements for this area and we support the request."

Committee Member S. Davis: "Move for approval"

Committee Member Fish: "Second"

Chairman Farley: "I have a motion and I have a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Fish to **approve** prior to **First Reading**, the **Request by Earthsource Engineering for Shirley Huggins and John Avinger**. The motion passed by unanimous voice vote of the Committee.

B. Review prior to Second Reading of the following:

1. Bill No. 10-24, an ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance "**Berkeley County Zoning Ordinance**" and amending Ordinances Nos. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the regulation of Institutional Residential Land Uses and changes to the permitted Use Table.

Committee Member C. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Any discussion?"

Mr. Greenway: "Mr. Chairman? This is the particular one and I'm not sure if there is some procedural issue we need here. Maybe Nicole can help me with this, but this is actually an amendment to the ordinance that got First Reading, so we just need to deal with that amended ordinance as appropriate. This would actually be a Second Reading amendment to the ordinance that got First Reading. And I can detail those changes if you all would like for me too?"

Ms. Austin: "Mr. Chairman? Our rules allow for changes and/or amendments up to Third Reading."

Chairman Farley: "Ok. I have a motion and a second. Do you want to discuss any further, Eric?"

Mr. Greenway: "It's up to you all"

Chairman Farley: "Does anybody want to hear anything? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Second Reading, Bill No. 10-24**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 10-25, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Maxine Winningham, 1968 Cypress Campground Road, Ridgeville, TMS #177-00-00-165, (1.50 +/- acres), from GC, General Commercial District to PDMU, Planned Development Mixed Use District. Council District No. 7.

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Second Reading, Bill No. 10-25**. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 10-26, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Robert and Lori Hammond**, for Hammond Family, LLC, located off Cypress Gardens Road behind the par 3 golf course, Moncks Corner, **TMS #210-00-00-198**, (15.27 acres), **from HI, Heavy Industrial District and R-1, Single Family Residential District, to R-2R(F), Mobile Home Rural Farm Residential District.** Council District No. 6.

Committee Member Schurlknight: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Second Reading, Bill No. 10-26**. The motion passed by unanimous voice vote of the Committee.

C. Review prior to **Third Reading** of the following:

1. Bill No. 10-21, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bobby Strickland**, 2575 South Live Oak Drive, Moncks Corner, **TMS #196-05-00-069 and 059**, (1.95 +/- acres), **from R-2, Manufactured Residential District to GC, General Commercial District.** Council District No. 6.

Committee Member Schurlknight: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 10-21**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 10-22, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **America's Home Place, Inc.**, for **Marion McClennon**, 1206 Seaboard Rd., St. Stephen, **TMS #047-00-02-042**, (1.0 acre), **from GC, General Commercial District to F-1, Agricultural District.** Council District No. 8.

Committee Member S. Davis: "Move for approval"

Committee Member Schurlknight: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 10-22**. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 10-23, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Connie Shuler**, 1545 Old Highway 6, Cross, portion of **TMS #041-00-05-066**, (1.5 acres), **from F-1, Agricultural District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

Committee Member S. Davis: "Move for approval"

Committee Member C. Davis: "Second"

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes) All opposed? (No Response) Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **approve** prior to **Third Reading, Bill No. 10-23**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member C. Davis to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:29 pm.

August 9, 2010
Date Approved

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday July 12, 2010**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES

June 14, 2010

A. Consideration prior to First Reading of the following:

1. Request by Danny Baston, 230 Royle Road, Ladson, TMS #242-00-02-055, (10.99 +/- acres), from GC, General Commercial District to HI, Heavy Industrial District. Council District No. 4.

[Staff recommended approval]

[Planning Commission recommended approval]

2. Request by John and Lucretta Winningham, 1613 & 1621 South Live Oak Drive, Moncks Corner, TMS #161-14-00-024, (0.45 acres), and 161-14-00-025, (0.35 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended approval]

3. **Request by Johnnie Capers for Leonard Boyd and Jack Pryor, 1116 Old Gilliard Rd, Ridgeville, TMS #175-00-01-064, (0.227 acres), from F-1, Agricultural District to RNC, Rural & Neighborhood Commercial District.** Council District No. 7.

[Staff recommended approval]

[Planning Commission recommended approval]

4. **Request by Earthsource Engineering for Shirley Huggins and John Avinger, located on Clements Ferry Road across the street from Marina Drive, Charleston, TMS #271-00-02-174 and 029, (58.10 acres), from GC, General Commercial District and R-4, Multi-Family District, Small Scale, to PDMU, Planned Development Mixed Use District.** Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

B. Review prior to Second Reading of the following:

1. **Bill No. 10-24, an ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance “Berkeley County Zoning Ordinance” and amending Ordinances Nos. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the regulation of Institutional Residential Land Uses and changes to the permitted Use Table.**

2. **Bill No. 10-25, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Maxine Winningham, 1968 Cypress Campground Road, Ridgeville, TMS #177-00-00-165, (1.50 +/- acres), from GC, General Commercial District to PDMU, Planned Development Mixed Use District.** Council District No. 7.

3. **Bill No. 10-26, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Robert and Lori Hammond, for Hammond Family, LLC, located off Cypress Gardens Road behind the par 3 golf course, Moncks Corner, TMS #210-00-00-198, (15.27 acres), from HI, Heavy Industrial District and R-1, Single Family Residential District, to R-2R(F), Mobile Home Rural Farm Residential District.** Council District No. 6.

C. Review prior to Third Reading of the following:

1. **Bill No. 10-21, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Bobby Strickland, 2575 South Live Oak Drive, Moncks Corner, TMS #196-05-00-069 and 059, (1.95 +/- acres), from R-2, Manufactured Residential District to GC, General Commercial District.** Council District No. 6.

2. Bill No. 10-22, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **America's Home Place, Inc.**, for **Marion McClennon**, 1206 Seaboard Rd., St. Stephen, **TMS #047-00-02-042**, (1.0 acre), **from GC, General Commercial District to F-1, Agricultural District**. Council District No. 8.

3. Bill No. 10-23, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Connie Shuler**, 1545 Old Highway 6, Cross, portion of **TMS #041-00-05-066**, (1.5 acres), **from F-1, Agricultural District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

July 7, 2010
S/Barbara B. Austin, CCC
Clerk of County Council